REMARKS

I. Introduction

Applicants respectfully submit that the pending claims are not rendered obvious in view of the cited prior art taken in combination with "Well-known Prior art" for at least the reasons set forth below. Reconsideration of the pending rejection is respectfully requested.

II. The Rejection Of The Claims Under 35 U.S.C. § 103

Claims 1-16 were rejected under 35 U.S.C. § 103 as being unpatentable over USP No. 6,449,071 to Farhan in view of Well-Known Prior Art. Applicants respectfully submit that the pending claims are clearly patentable over the cited prior art reference because even if there was proper motivation to modify Farhan as suggested in the pending rejection, the modification does not disclose or suggest the method recited by the pending claims.

As recited by pending claim 1, the present disclosure relates to a method for multiport aggregation in a digital return path CATV system which includes the steps of: (a) digitizing each of a plurality of return path signals; (b) splitting each of the plurality of return path signals into a low band and an upper band; (c) **combining each of the plurality of low band signals to form a combined low band signal**; (d) downconverting each of the plurality of upper band signals from an original frequency range into a new downconverted frequency range; and (e) **time division multiplexing the plurality of downconverted upper band signals with the combined low band signal to form an aggregate data stream.**

Thus, in accordance with the present disclosure, referring to Fig. 4 which is an exemplary flowchart of the recited method, the method includes splitting the return path signals into upper bands and lower bands; combining the lower bands to form a **combined low band signal** and subsequently **time division multiplexing the combined low band signal with a plurality of downconverted upper band signals.**

At a minimum, Farhan clearly fails to disclose or suggest this aspect of the Applicants' claimed method. Referring to Fig. 2 of Farhan, RF signal lines 201 are summed together via summing amplifier 205. These signal lines which are summed together contain all frequency bands that can be transmitted by the subscriber equipment. Thereafter, the summed signal is fed to a digital signal processor 220, which can be programmed to recognize and separate different types of data, and which can be assigned to different frequency bands (*see*, Farhan, col. 4, lines 37-50). The different frequency bands are then transmitted to the head utilizing suitable modulation formats for the given band (*see*, Farhan, col. 4, lines 46-50). It is noted that DSPs 420 in Fig. 4 operate in the same manner as the DSP 220 illustrated in Fig. 2.

Thus, in contrast to the conclusion set forth in the Office Action, the summer 201 (or 405) does not split the return path signals into upper and lower bands and combine low band signals to form a combined low band signal. As expressly noted by Farhan, these summers merely function to sum together various RF lines which contain all types of signals. Separation of signals and data based on the characteristics of the data only occurs in the DSPs 220 and 420 which are located downstream from the summers. Thus, it is clear that Farhan does not disclose or suggest splitting the return path signals into upper and lower bands, and then combining the lower bands to form a combined low

band signal as recited by claim 1. It is noted that col. 5, lines 1-10 is cited as supporting that Farhan discloses this element of claim 1. However, nowhere does this portion of Farhan disclose combining low band signals of the return signal paths to form a combined low band signal. As is clear from the foregoing explanation, Farhan wholly fails to disclose or suggest this element of claim 1.

Furthermore, as there is no formation of a combined low band signal in Farhan, it is axiomatic that Farhan also fails to disclose or suggest the time division multiplexing of the combined low band signal with the plurality of high band signals. Indeed, as noted above, Farhan arguably teaches away from any such combination of low and high frequency signals as Farhan teaches that suitable modulation formats which are matched to the data type are utilized to transmit the data (*see*, Farhan, col. 4, lines 47-50).

Accordingly, as each and every element of the claims must be disclosed or suggested by the prior art in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03), and for the foregoing reasons it is clear that the combination of Farhan and the "Well-Known Prior Art" do not disclose or suggest each element of claim 1, it is respectfully submitted that claim 1, and the claims dependent thereon, are patentable over the combination of Farhan and the Well-Known Prior Art. Moreover, as claim 10 is the corresponding system claim and recites elements similar to claim 1, it is submitted that claim 10 and the claims dependent thereon are also patentable over Farhan and the Well-Known Prior Art for at least the same reasons as discussed above.

III. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Date: 6/19/2008

Respectfully submitted,

By: /Larry T. Cullen/
Larry T. Cullen
Reg. No.: 44,489

Motorola Connected Home Solutions
101 Tournament Drive
Horsham, PA 19044
(215) 323-1797